

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE JOHNSON & JOHNSON DERIVATIVE
LITIGATION,

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Civil Action No. 10-2033 (FLW)

ORDER

This matter having been opened to the Court by Gary Graifman, Esq., on behalf of certain plaintiffs (“the Intervenor Plaintiffs”), to intervene in the instant shareholder derivative action against nominal Defendant Johnson & Johnson’s (“J&J’s”) Board of Directors (“the Board”) and other defendants, and to appoint lead counsel and liason counsel; it appearing the Intervenor Plaintiffs filed a demand with the Board; it appearing that, while the Intervenor Plaintiffs’ motion was pending before the Court, the Board responded to their demand request; it appearing that the Court heard oral argument on this matter on July 28, 2011; it appearing that, at oral argument, and in briefing before this Court, counsel for the Intervenor Plaintiffs agreed that the Intervenor Plaintiffs should now file a complaint addressing J&J’s response to their demand; it further appearing that, since the Intervenor Plaintiffs filed a demand prior to instituting suit against the J&J Board, their complaint stands in a different posture than that of the other plaintiffs in the instant action who did not make demand and who, therefore, must satisfy New Jersey’s demand futility doctrine in order to avoid dismissal of their complaint, see In re PSE&G Shareholder Litig., 173 N.J. 258 (2002) (discussing demand futility doctrine); it appearing that appointment of lead counsel and liason counsel is not necessary at this time since the Intervenor Plaintiffs will be filing a new complaint and, further, that appointment of lead counsel and liason counsel at this juncture is premature; it further appearing that the Court considered the moving, opposition, reply, and supplemental briefs filed by the parties; accordingly, for the reasons set forth herein; and for good cause shown;

IT IS on this 29th day of July, 2011,

ORDERED that the Intervenor Plaintiffs' motion to intervene and appoint lead counsel and liason counsel (No. 120) is DENIED; and it is further

ORDERED that the Intervenor Plaintiffs are granted leave to file a new complaint in a separate action within 30 days of the date of this Order.

/s/ Freda L. Wolfson
Fred L. Wolfson, U.S.D.J.